



Town of Tyngsborough
Planning Board
25 Bryants Lane,
Tyngsborough, Massachusetts 01879-1003
Office: (978) 649-2300 ext. 115

MINUTES
April 3, 2014
APPROVED

Attachments:

1. Meeting Agenda
2. David E. Ross Associates Report for 400 Business Park Dr. – 3/27/14
3. Fuss & O'Neill Response to Comments for 400 Business Park Dr. – 3/31/14
4. 400 Business Park Dr. Revised Plans – 3/28/14
5. 107 Lakeview Ave. Special Permit Application – 3/3/14
6. 107 Lakeview Ave. MasGIS Flood Map 3/31/14
7. David E. Ross Associates Report for 107 Lakeview Ave. = 3/28/14
8. Town Dept. Comments for 107 Lakeview Ave.
9. 50 Middlesex Rd. Special Permit Application – 3/5/14
10. 50 Middlesex Rd. Pictometry Photo & 6/20/06 site plot plan
11. David E. Ross Associates Report for 50 Middlesex Rd. – 3/28/14
12. Town Dept. Comments for 50 Middlesex Rd.
13. David E. Ross Associates Report for Proposed Spring 2014 Street Acceptance – 3/27/14
14. Planning Board Street Acceptance Filing Report

Members Present: William Gramer, Chairman
Kimberly O'Brien, Vice Chairman
Tom Delmore
Steve Nocco
Jesse Johnson, David E. Ross Associates

Members Absent: Steve O'Neill

7:00pm - Meeting called to order by Chairman William Gramer

7:02pm **400 Business Park Dr. (M12, P5, L2)** – Jenike & Johanson, applicant, for a Special Permit application pursuant to Tyngsborough Zoning By-Laws Section 2.11.30 for a Site Plan Special Permit for the proposed construction of a 11,335s.f. industrial building addition. Said property is zoned I-1. Continued from March 20, 2014.

Engineer Dan Delaney from Fuss & O'Neill appeared before the Board for the applicant, Jenike & Johanson. Mr. Delaney submitted revisions to the plans based on the comments received from Board engineer J. Johnson. J. Johnson noted that the revised plans are satisfactory and that all of his comments and concerns were addressed. However, he would recommend a couple of conditions relative to the groundwater, and maintenance of the drainage infrastructure. There were no abutters present to speak for or against this project.

S. Nocco: Motion to close the public portion of the hearing

T. Delmore: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 1

Passes: 4-0-1

S. Nocco: Motion to Approve a Special Permit at 400 Business Park Dr. for an 11,335 s.f. ft. Major Industrial Office Building Addition. In accordance with Section 1.16.14 of the Zoning By-Law the Planning Board finds that this proposed use:

1. Is in harmony with the purpose and intent of this By-Law.
2. Will not be detrimental or injurious to the neighborhood in which it is to take place.
3. Is appropriate for the site in question.
4. Complies with all applicable requirements of this By-Law.

SPECIAL PERMIT CONDITIONS:

1. An as-built plan must be submitted and approved by the Planning Board's engineer.
2. Approval is conditioned on the following:
 - a. Soil testing must be done to confirm that the groundwater is at least 6.5 feet below the surface and said results be submitted to the Planning Board for review.
 - b. A Long Term Operation and Maintenance Plan and Operation and Maintenance Log must be developed in order to maintain the stormwater infrastructure and must be approved by the Planning Board prior to building occupancy.

T. Delmore: 2nd the motion

Roll Call Vote:

Steve Nocco: In Favor

Tom Delmore: In Favor

William Gramer: In Favor

Kimberly O'Brien: In Favor

Steve O'Neill: Absent

In Favor: 4 Opposed: 0 Absent: 1

Passes: 4-0-1

7:10pm 107 Lakeview Ave. (M25, P56, L0) – Ernest Roy applicant, for a Special Permit to construct a Temporary Independent Living Quarters (In-Law Suite) in accordance with Tyngsborough Zoning By-Law Section 4.15.00.

S. Nocco: Motion to waive the reading of the legal notice and abutters list

K. OBrien: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 1

Passes: 4-0-1

Applicant Ernie Roy appeared before the Board regarding this project. Mr. Roy explained that this project would be a 1-bedroom in-law suite to be built above the existing garage. He went on to say that he lives alone in the home and it is difficult for him to maintain it by himself. Therefore, his daughter and her family will be moving in to the main home and he would occupy the in-law suite. Mr. Roy added that based on Board engineer J. Johnson's review he wanted to note that the current driveway is 24' wide in order to accommodate a 2-car garage. In addition, there is an additional paved area along the side of the garage for an additional 1-2 cars. Also, Mr. Roy obtained a MassGIS flood map from the Conservation Director that showed there is no flood plain on his property, but is asking the Board for a waiver of the requirement of Section 4.15.21(2) that requires the plans to delineate flood plain. J. Johnson was satisfied with those responses and recommended approval. The Board liked the plan and was happy that all bylaw requirements were easily met. An abutter from 104-106 Lakeview Ave. spoke in favor of the project. There were no other abutters present to speak for or against this project.

S. Nocco: Motion to close the public portion of the hearing

T. Delmore: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 1

Passes: 4-0-1

S. Nocco: Motion to waive the requirements of Section 4.15.21(2) of the Tyngsborough Zoning By-Laws to delineate the flood plain on the plans.

T. Delmore: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 1

Passes: 4-0-1

S. Nocco: Motion to approve a Special Permit for a Temporary Independent Living Quarters (T.I.L.Q.) at 107 Lakeview Ave. In accordance with section 1.16.14 and 4.15.00 of the Zoning By-Law the Planning Board finds that this proposed use:

1. Is in harmony with the purpose and intent of this By-Law.
2. Will not be detrimental or injurious to the neighborhood in which it is to take place.
3. Is appropriate for the site in question.
4. Complies with all applicable requirements of this By-Law. Including the requirements set forth in Section 4.15.30 "Decision Criteria" items #1 through #9 inclusive.

T. Delmore: 2nd the motion
Roll Call Vote:
Steve Nocco: In Favor
Tom Delmore: In Favor
William Gramer: In Favor
Kimberly O'Brien: In Favor
Steve O'Neill: Absent
In Favor: 4 Opposed: 0 Absent: 1
Passes: 4-0-1

7:20pm **50 Middlesex Rd. (M28, P101A, L0)** – Atty. Cheryl Manahan, applicant for a Special Permit to operate a legal office business in a combined business/dwelling setting in accordance with Section 2.11.30 of the Tyngsborough Zoning By-Laws.

S. Nocco: Motion to waive the reading of the legal notice and abutters list
K. OBrien: 2nd the motion
In Favor: 4 Opposed: 0 Absent: 1
Passes: 4-0-1

Applicant Atty. Cheryl Manahan appeared before the Board regarding this application. Atty. Manahan explained that she recently purchased the home and wishes to operate her legal business in the home as allowed with a Special Permit. She is a sole practioner and will utilize only 10% of the space for her home business office. She went on to explain that the previous owner had a special permit for a financial services business. The site plans were approved by this Board in 2006 and they have not change since. J. Johnson reviewed the application and noted that there would be no proposed alteration to the site. In fact, it appears that there would be less of an impact due to the smaller size of the business. An abutter from 44 Middlesex Rd. spoke in favor of the use, but didn't want to see any big flashy signs. The Board noted that there is a strict sign by-law in Town, and any signage must be approved by the Building Commissioner. There were no other abutters present to speak for or against this project.

S. Nocco: Motion to close the public portion of the hearing
T. Delmore: 2nd the motion
In Favor: 4 Opposed: 0 Absent: 1
Passes: 4-0-1

S. Nocco: Motion to approve a Special Permit to operate a Professional Office less than 15,000s.f. and Combined Business and Dwelling at 50 Middlesex Rd. In accordance with section 1.16.14 of the Zoning By-Law the Planning Board finds that this proposed use:

1. Is in harmony with the purpose and intent of this By-Law.
2. Will not be detrimental or injurious to the neighborhood in which it is to take place.
3. Is appropriate for the site in question.
4. Complies with all applicable requirements of this By-Law.

T. Delmore: 2nd the motion
Roll Call Vote:
Steve Nocco: In Favor
Tom Delmore: In Favor
William Gramer: In Favor
Kimberly O'Brien: In Favor
Steve O'Neill: Absent
In Favor: 4 Opposed: 0 Absent: 1
Passes: 4-0-1

7:30pm Relative to Proposed Zoning By-Law Amendments, Pursuant to M.G.L. c. 40A, § 5

The Tyngsborough Planning Board will hold a public hearing to discuss the proposed amendment to the Town's zoning map, where it will act as a Special Permit granting authority as specified in paragraph 1.16.00 of the Tyngsborough Zoning By-Law.

The subject matter of the proposed amendment is indicated below. The complete text and maps relative to the proposed amendment are available for inspection during regular business hours in the office of the Planning Board, 25 Bryants Lane Tyngsborough, MA.

The purpose of the hearing is to consider a Citizen's Petition regarding an amendment to the Tyngsborough Zoning Map. The applicant seeks to change the zoning classification from I1 to B3 a certain parcel of land with improvements thereon, located at 7-23 Middlesex Road, Tyngsborough, Massachusetts 01879 and more particularly described in a deed recorded at Book 27393, Page 206 and recorded in the Middlesex North District Registry of Deeds on June 18, 2013. The property is also identified as Map 28, Block 111, Lot 0 on the Tyngsborough Tax Assessor's Maps. The property is currently owned by 7-23 Middlesex Road LLC and it contains approximately 2.35 acres of land more or less arising from three contiguous parcels under the same deed.

The citizen petitioning the zoning map amendment was unable to attend this hearing and ask for a continuance.

S. Nocco: Motion to open this hearing and continue it to April 17, 2014 at 7:00pm.
T. Delmore: 2nd the motion
In Favor: 4 Opposed: 0 Absent: 1
Passes: 4-0-1

7:40pm Street Acceptance Hearings for the following streets:

| | | |
|--------------------|--------------|---|
| Clover Hill Circle | Joco Drive | Vista Way |
| Colorado Drive | Katy Lane | Anderson Drive (Phase 2B, Station 25+00 to 16+00) |
| Ducharme Lane | Ohio Road | Bryants Lane (Relocation of 1,613 s.f.) |
| Helena Drive | Patriot Road | |
| Hillcrest Drive | Texas Lane | |
| Idaho Drive | Tower Road | |

Assistant Town Administrator Nina Nazarian identified 15 streets that should be reviewed for acceptance at the annual Town Meeting. J. Johnson determined that these streets were built within the limits of the Right-of-Way as shown on record plans. In addition, he reviewed the record plans for a Registered Land Surveyor stamp, evaluated the layout calculations, and Registry information. J. Johnson advised the Board that these criteria were met for all 15 streets.

S. Nocco: Motion to recommend to the Board of Selectmen that the following streets be submitted for acceptance at the 2014 Annual Town Meeting:

| | | |
|--------------------|--------------|---|
| Clover Hill Circle | Joco Drive | Vista Way |
| Colorado Drive | Katy Lane | Anderson Drive (Phase 2B, Station 25+00 to 16+00) |
| Ducharme Lane | Ohio Road | Bryants Lane (Relocation of 1,613 s.f.) |
| Helena Drive | Patriot Road | |
| Hillcrest Drive | Texas Lane | |
| Idaho Drive | Tower Road | |

T. Delmore: 2nd the motion
In Favor: 4 **Opposed:** 0 **Absent:** 1
Passes: 4-0-1

ADMINISTRATIVE

S. Nocco: Motion to approve the minutes as written from the 3/20/14 meeting.
T. Delmore: 2nd the motion
In Favor: 4 **Opposed:** 0 **Absent:** 1
Passes: 4-0-1

7:45pm

S. Nocco: Motion to adjourn
T. Delmore: 2nd the motion
In Favor: 4 **Opposed:** 0 **Absent:** 1
Passes: 4-0-1

Minutes respectfully submitted by
Pamela Berman